

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re: Shane N. Anderson)	
Cynthia R. Canady)	
)	
Debtor.)	Case No.: 13-11536-RGM
_____)	Chapter 13

MOTION TO SEVER JOINT ADMINISTRATION
AND CONVERT

SHANE N. ANDERSON and CYNTHIA R. CANADY, the Debtors, by counsel,
move the Court as follows:

1. On April 4th, 2013, the Debtors filed an emergency Chapter 7 petition in bankruptcy to halt garnishment proceedings in state court which froze their respective bank accounts.
2. On April 18, 2013, the debtor filed a Motion to Extend Time to file Lists, Schedules and/or Statements. This Motion was granted by Order on April 19, 2013, which extended the deadline to file lists, schedules, and or statements schedules and statements to April 26, 2013.
3. Upon receiving the documents and information necessary to fill out the petition and schedules, it became apparent that the Debtors will not pass the means test and will be able to afford a chapter 13 payment.
4. The case was converted to Ch. 13 by Order entered on the docket on May 29, 2013.
5. The 341 meeting was held on June 25, 2013 at which time it was learned that the Debtor's were not married.

6. The Ch. 13 Trustee filed objections to the confirmation of the Ch.13 Plan on June 26, 2013.

7. The Ch. 13 Trustee filed a motion to dismiss on July 1, 2013 for not being eligible for filing a joint petition under 11 U.S.C. § 302.

8. Mr. Anderson is eligible to be individual debtors under Chapter 13.

9. When the Debtors review the paperwork prior to signing, they had not noticed that Form 22C indicated they were married. In error, counsel to the debtors failed to confirm the marital status of the Debtors after learning the length of time that the debtors have lived together in this jurisdiction (approximately 12 years).

10. The petition was filed in good faith.

11. Ms. Canady is eligible to be an individual Debtor under Chapter 7 of the Code.

WHEREFORE, the Debtors, by counsel, respectfully request that the Court enter an order:

- a. Severing the case of Cynthia R. Canady from Shane N. Anderson;
- b. Directing that each case be administered separately in all aspects – substantively and procedurally;
- c. Directing the Clerk's office assign a new case number to Cynthia R. Canady;
- d. Converting Cynthia R. Canady's case to a case under Chapter 7 of the Bankruptcy Code.
- e. Dismissing the Ch. 13 case of Shane N. Anderson unless, within 21 days, the debtor takes one of the actions enumerated in Local Bankruptcy Rule 3015-2.

Respectfully submitted,

SHANE N. ANDERSON
CYNTHIA R. CANADY
By Counsel

SUROVELL, ISAACS, PETERSEN, & LEVY PLC

/s/ Nathan D. Baney
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2013, a true copy of the foregoing Motion was served on the attached list and/or all parties receiving electronic noticing in this case pursuant to the Court's ECF noticing system or U.S. mail.

/s/ Nathan D. Baney